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2 HUB LAW OFFICES  
711 Sir Francis Drake Boulevard  
3 San Anselmo, California 94960-1949  
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4 Telecopier: (415) 456-5318

5 Attorney for Defendant  
GERALD ARMSTRONG  
6

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF MARIN

10 CHURCH OF SCIENTOLOGY INTERNATIONAL, ) No. 157 680  
11 )  
12 Plaintiff, )  
13 vs. )  
14 GERALD ARMSTRONG, et al., )  
15 Defendants. )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

Date: November 15, 1994  
Time: 9:30 a.m.  
Dept: One  
Trial Date: May 18, 1995

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts of the State of California and am the attorney of record for GERALD ARMSTRONG, defendant herein.

2. In the course of the transfer of the Los Angeles Action to Marin County, substantial portions of the file have not been transferred. Even so, Scientology first requested ARMSTRONG to stipulate that said file is "complete," and failing to obtain such stipulation, now seeks a Court order to that effect which would also result in an order severing the Los Angeles action into two separate actions.

COPY



1           3.    In order to accomplish this end, Scientology has  
2 manufactured a device whereby it seeks to deem the untransferred  
3 portion of the Los Angeles file to be another file under another  
4 case number which Scientology suggests should be separately  
5 transferred to Marin where thereafter it would be given a separate  
6 file name and number. This "severance" would fly in the face of  
7 an order of consolidation of both cases which issued, sua sponte,  
8 from the Los Angeles Superior Court on October 6, 1993.

9 All Matters Were Consolidated In Los Angeles Superior Court

10           4.    The Los Angeles case, No. BC 052 395, was originally  
11 assigned to the Honorable David Horowitz, Department 33. During  
12 the period of time that said action was subject to a stay that  
13 Judge Horowitz issued on March 23, 1993, Scientology felt  
14 compelled to circumvent said stay by filing a second lawsuit  
15 against Armstrong, on July 8, 1993, No. BC 084 642. Pursuant to  
16 the related case system employed by the Los Angeles Superior  
17 Court, the second case was assigned to Judge Horowitz on August  
18 28, 1993. When Armstrong moved to strike the second lawsuit,  
19 Judge Horowitz ordered as follows on October 6, 1993:

20                   The instant action is ordered **consolidated**  
21                   **into BC052395, Church of Scientology VS.**  
22                   **Armstrong, Gerald** which is pending in this  
23                   court. The action, including the Motion to  
24                   Strike, is stayed pending ruling from the  
25                   Court of Appeals.

26 (True and correct copies of the 10/6/93 order and the face pages  
27 of the moving, opposition and reply papers are attached hereto as  
28 Exhibit A)

          5.    At this point both cases became a single case under the  
          case number BC 052 395.



1           6.    Scientology, not satisfied and refusing to abide by  
2 Judge Horowitz' consolidation order, filed a motion to vacate the  
3 stay in February 1994. On March 14, 1994, Judge Horowitz denied  
4 Scientology's motion, noting as follows:

5                    There is only one case currently pending, that  
6                    is, BC052395. ... Motion for leave to amend  
7                    complaint is unopposed. However, the motion  
8                    and the amended complaint has been filed under  
9                    the case number BC084642. That is the wrong  
10                   case number. The correct case number is  
11                    BC052395.

12 (True and correct copies of the 3/14/94 order and the face pages  
13 of the moving, opposition and reply papers are attached hereto as  
14 Exhibit B)

15 The Transfer Of The File From Los Angeles To Marin Is Incomplete

16           7.    On September 1, 1994 pursuant to stipulation, Judge  
17 Horowitz ordered Case No. BC 052 395 transferred to Marin County.  
18 Pursuant to motion, on September 16, 1994 this Court ordered the  
19 Los Angeles case to be consolidated with the instant case.

20           8.    On October 17, 1994 I received a telephone call from  
21 Betty Posey from the Marin County Clerk's Office who advised me  
22 that the file from Los Angeles had been received by the Marin  
23 County Clerk's Office and was "a mess." She stated the documents  
24 were in disarray and it was her inclination to return the file to  
25 Los Angeles. Later that week I spoke with plaintiff's counsel,  
26 Laurie J. Bartilson. Ms. Bartilson's adamant request was that I  
27 enter a stipulation which would obviate the return of the file to  
28 Los Angeles from Marin County.

          9.    In an accommodation to Ms. Bartilson I agreed and  
stipulated that her paralegal fly to Marin from Los Angeles "to  
assist the clerk in placing in order the file in Case Number BC



1 052 395 recently transferred from Los Angeles to Marin. ..."  
2 (A true and correct copy of the 10/21/93 stipulation is attached  
3 hereto as Exhibit C).

4  
5 Important Documents Are Missing From The File

6 10. After Ms. Bartilson's paralegal had done his work on the  
7 file, Armstrong reviewed the same and found that a number of  
8 important documents were missing from the file including, but not  
9 limited to, the following:

- 10 ▶ The entire file that originally was BC 084 642 which  
11 Judge Horowitz had consolidated into BC 052 395.  
12 ▶ All exhibits submitted by Scientology in its  
13 unsuccessful effort to have Armstrong found in contempt  
14 of court which was heard by the Honorable Diane Wayne on  
15 July 28, 1994 <sup>1</sup>/<sub>;</sub>  
16 ▶ The Reporter's Transcript of Proceedings on  
17 Scientology's Motion for Preliminary Injunction on May  
18 27, 1992;  
19 ▶ The Opposition of Amicus Curiae and Proposed Intervenor  
20 Joseph A. Yanny to Plaintiff's Ex Parte Application to  
21 Extend T.R.O. Against Gerald Armstrong filed May 4,  
22 1992;  
23 ▶ Plaintiff's Notice of Related Case re BC 084642 and BC  
24 052395), filed August 6, 1993.

25  
26  
27 <sup>1</sup> A true and correct copy of Judge Wayne's Order of July  
28 29, 1994, denying Scientology's OSC for contempt is attached here  
to as Exhibit D.



1           These matters were noted and set forth in a letter faxed to  
2 Ms. Bartilson on November 8, 1994, a true and correct copy of  
3 which attached hereto as Exhibit E.

4           11. Ms. Bartilson is not willing to have the complete file  
5 from Los Angeles filed in this Court, notwithstanding the fact  
6 that critical documents that are part of the file have not  
7 properly been transferred. Instead, in effect she wants an order  
8 severing the two cases into two separate actions, stating as  
9 follows:

10                   The file of Case Number BC 084642 will have to  
11                   be handled as a separate case file. It should  
12                   be much simpler for all concerned, since it is  
                  a small case file. If you agree, please sign  
                  below and return your signature to me by fax.

13           (A true and correct copy of Ms. Bartilson November 8, 1994 letter  
14 to me is attached hereto as Exhibit F)

15           12. Since October 6, 1993 when Judge Horowitz ordered a  
16 complete consolidation of both cases in Los Angeles, the case is  
17 treated as a single action. (Kropp v. Sterling Savings and Loan  
18 (1970) 9 Cal.App.3d 1033) An action is an ordinary proceeding in  
19 court by which one party prosecutes another for, inter alia, the  
20 enforcement of a right. (C.C.P. § 20)

21           13. Plaintiff's desire for a piecemeal transfer of the case,  
22 by severing it into two separate cases is completely unacceptable,  
23 flies in the face of the court's prior sua sponte rulings,  
24 principles of maintaining integrity of the file, and is a  
25 procedure which the Los Angeles Superior Court has no jurisdiction  
26 to perform and this court has no jurisdiction to order. Once a  
27 motion to transfer is granted, all further matters must be heard  
28 before the transferee court. (Tarman v. Sherwin (1961) 189



1 Cal.App.2d 49) In effect, plaintiff is now asking this court to  
2 order the severance of what the Los Angeles court previously  
3 ordered to be consolidated.

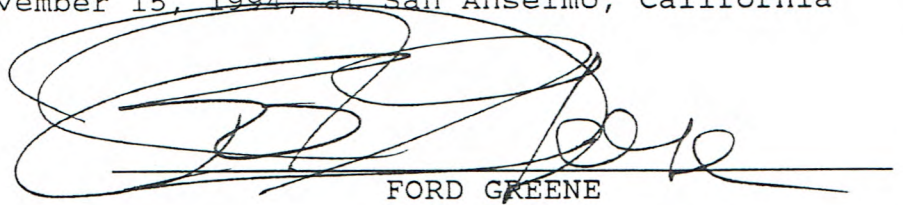
4 14. In my letter dated November 14, 1994 which I faxed both  
5 to Ms. Bartilson and to Mr. Wilson, I advised them I would not  
6 stipulate to such severance. I advised counsel that should they  
7 persist in attempting to force the issue, I would seek sanctions  
8 pursuant to Code of Civil Procedure section 128.5. (A true and  
9 correct copy of said letter is attached hereto as Exhibit G)

10 15. I do seek such sanctions against plaintiff, Mr. Wilson  
11 and Ms. Bartilson, jointly and severally, based on the ground that  
12 the instant ex parte application is frivolous and made in bad  
13 faith. It is completely devoid of merit. Just as a motion to  
14 sever a complaint from a cross-complaint in order to permit an  
15 early appeal is in excess of the court's jurisdiction, a fortiori,  
16 to order a severance for the purpose of transferring a file after  
17 the transferor court ordered, sua sponte consolidation, exceeds  
18 the court's jurisdiction. (Day v. Papadakis (1991) 231 Cal.App.3d  
19 503, 511) I have spent 2.75 hours drafting this opposition and  
20 anticipate that the hearing on the ex parte application will take  
21 1 hour. I bill my time at the rate of \$200.00 per hour. I hereby  
22 request an order awarding monetary sanctions in the amount of  
23 \$750.00 for having to oppose this frivolous ex parte application.

24 Under penalty of perjury pursuant to the laws of the State of  
25 California I hereby declare that the foregoing is true and correct  
26 according to my first-hand knowledge, except those matters stated  
27 to be on information and belief, and as to those matters, I  
28 believe them to be true.



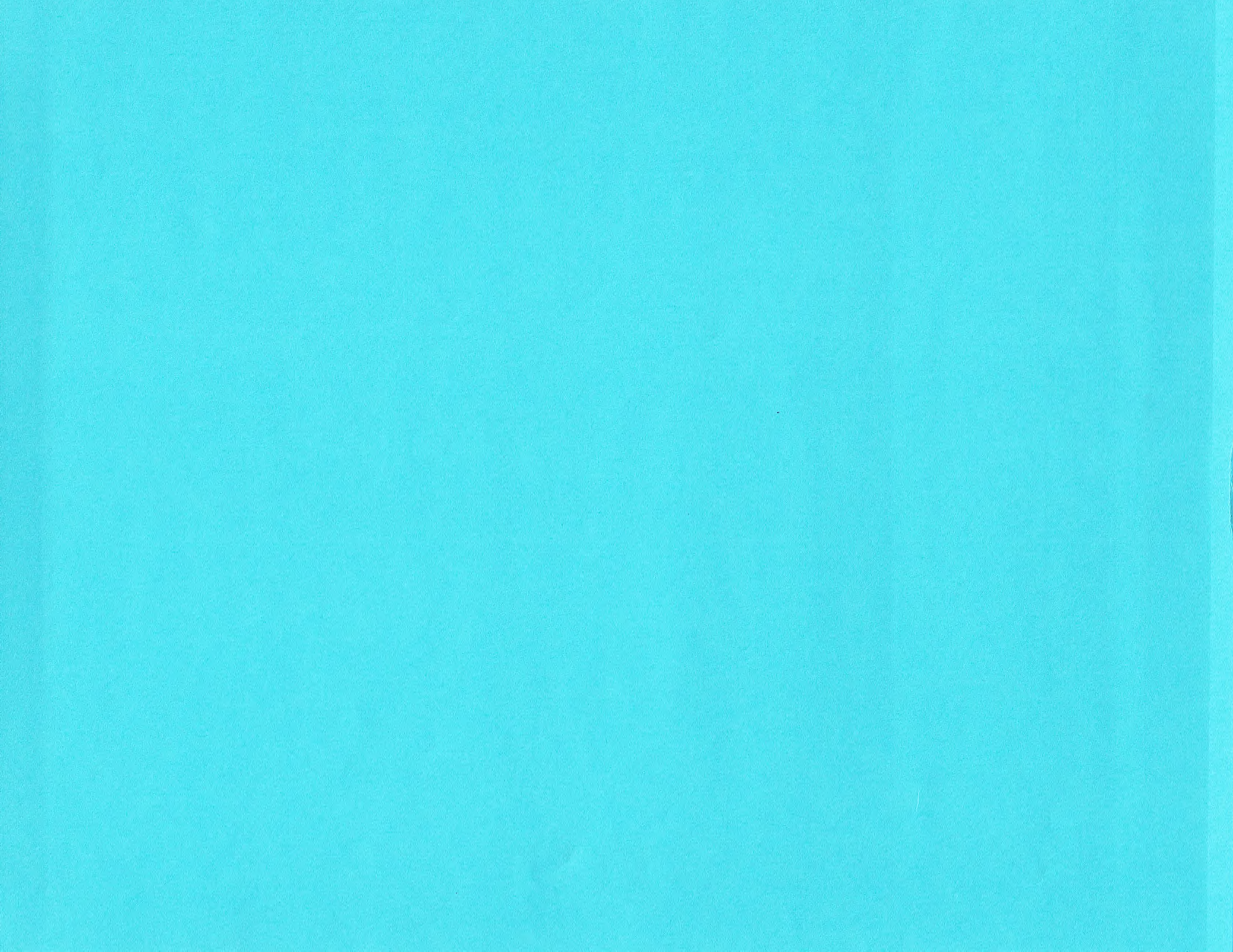
Executed on November 15, 1994, at San Anselmo, California



FORD GREENE

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

10/06/93

DEPT. 30

DRABLE DAVID HOROWITZ

JUDGE

S. ROBLES

DEPUTY CLERK

DRABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. AGUIRRE, CSL

Deputy Sheriff

B. CHARLINE HOWELL

Reporter

30 am

BC084642  
CHURCH OF SCIENTOLOGY INT'L  
VS  
GERALD ARMSTRONG, ET AL  
R/T BC 052395 (Stayed pending  
Outcome of Appeal

Plaintiff LAURIE J. BARTILSON (x)  
Counsel ANDREW H. WILSON (x)  
Defendant FORD GREENE (x)  
Counsel

NATURE OF PROCEEDINGS:

MOTION OF DEFENDANTS GERALD ARMSTRONG AND THE GERALD  
ARMSTRONG CORPORATION TO STRIKE FIRST AMENDED COM-  
PLAINT;

The instant action is ordered consolidated into  
BC052395, Church of Scientology VS. Armstrong, Gerald  
which is pending in this court.

The action, including the Motion to Strike, is stayed  
pending ruling from the Court of Appeals.

No Sanctions.

Defendant shall give notice.

RECEIVED

OCT 08 1993

HUB LAW OFFICES

*cc Morantz*  
*10-8-93*  
*HA*

MINUTES ENTERED  
10/06/93  
COUNTY CLERK



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SEP 14 1993

HUB LAW OFFICES

ORIGINAL FILED

SEP 14 1993

LOS ANGELES SUPERIOR COURT

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7 Attorney for Defendants  
8 GERALD ARMSTRONG and THE  
9 GERALD ARMSTRONG CORPORATION

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

12 CHURCH OF SCIENTOLOGY )  
13 INTERNATIONAL, a California )  
14 not-for-profit religious )  
15 corporation; )

16 Plaintiff,

17 vs.

18 GERALD ARMSTRONG; THE GERALD )  
19 ARMSTRONG CORPORATION, a )  
20 California corporation; DOES )  
21 1-25, inclusive; )

22 Defendants. )

Case No. BC 084 642

NOTICE OF MOTION  
AND SPECIAL MOTION  
TO STRIKE FIRST AMENDED  
COMPLAINT; MEMORANDUM OF POINTS  
AND AUTHORITIES; DECLARATIONS  
OF FORD GREENE, GERALD  
ARMSTRONG AND VICKI AZANARN;  
[Proposed] ORDER

Date: October <sup>6</sup> 4, 1993  
Time: 8:30 a.m.  
Dept: ~~27~~ 30

Trial Date: None

23 TO THE CHURCH OF SCIENTOLOGY INTERNATIONAL  
24 AND ITS ATTORNEYS OF RECORD:

Discovery Cutoff None  
Motion Cutoff None

25 PLEASE TAKE NOTICE that on the <sup>6</sup>th day of October, 1993, at  
26 8:30 a.m. in Department ~~22~~ <sup>30</sup>, of the above-entitled Court,

27 defendants Gerald Armstrong and the Gerald Armstrong Corporation  
28 will move this Court for its Order striking the Verified Complaint  
in the above-referenced case.

This motion is factually predicated on the grounds that the  
instant lawsuit is intended to chill defendants' exercise of the  
constitutional rights of freedom of speech and petition for

COPY



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4 Laurie J. Bartilson  
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Hollywood, California 90028  
7 (213) 953-3360

8 Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY INTERNATIONAL  
9

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OCT 01 1993

HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

12 CHURCH OF SCIENTOLOGY ) CASE NO. BC 084642  
INTERNATIONAL, a California )  
13 not-for-profit religious ) PLAINTIFF'S OPPOSITION TO  
corporation; ) ARMSTRONG'S MOTION TO STRIKE  
14 ) FIRST AMENDED COMPLAINT;  
Plaintiff, ) REQUEST FOR SANCTIONS AGAINST  
15 ) GERALD ARMSTRONG AND FORD  
16 ) GREENE; DECLARATION OF LAURIE  
vs. ) J. BARTILSON AND EXHIBITS IN  
17 ) SUPPORT THEREOF  
18 ) [C.C.P. 425.16(c) AND 128.5]  
19 )  
20 ) DATE: October 6, 1993  
GERALD ARMSTRONG; THE GERALD ) TIME: 8:30 A.M.  
ARMSTRONG CORPORATION, a ) DEPT: 30  
21 California corporation; DOES )  
1-25 INCLUSIVE ) NO TRIAL DATE  
22 ) NO DISCOVERY CUT-OFF  
Defendants. ) NO MOTION CUT-OFF

23  
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28



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4 Attorney for Defendant  
5 GERALD ARMSTRONG and THE  
GERALD ARMSTRONG CORPORATION  
6  
7

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OCT 4 1993

LOS ANGELES  
SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

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OCT 08 1993

10  
11 CHURCH OF SCIENTOLOGY )  
INTERNATIONAL, a California )  
12 not-for-profit religious )  
corporation; )

13 Plaintiff, )  
14 )

15 vs. )

16 GERALD ARMSTRONG; THE GERALD )  
ARMSTRONG CORPORATION, a )  
California corporation; DOES )  
17 1-25, inclusive; )

18 Defendants. )  
19 )  
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28 )

Case No. BC 084 642

HUB LAW OFFICES

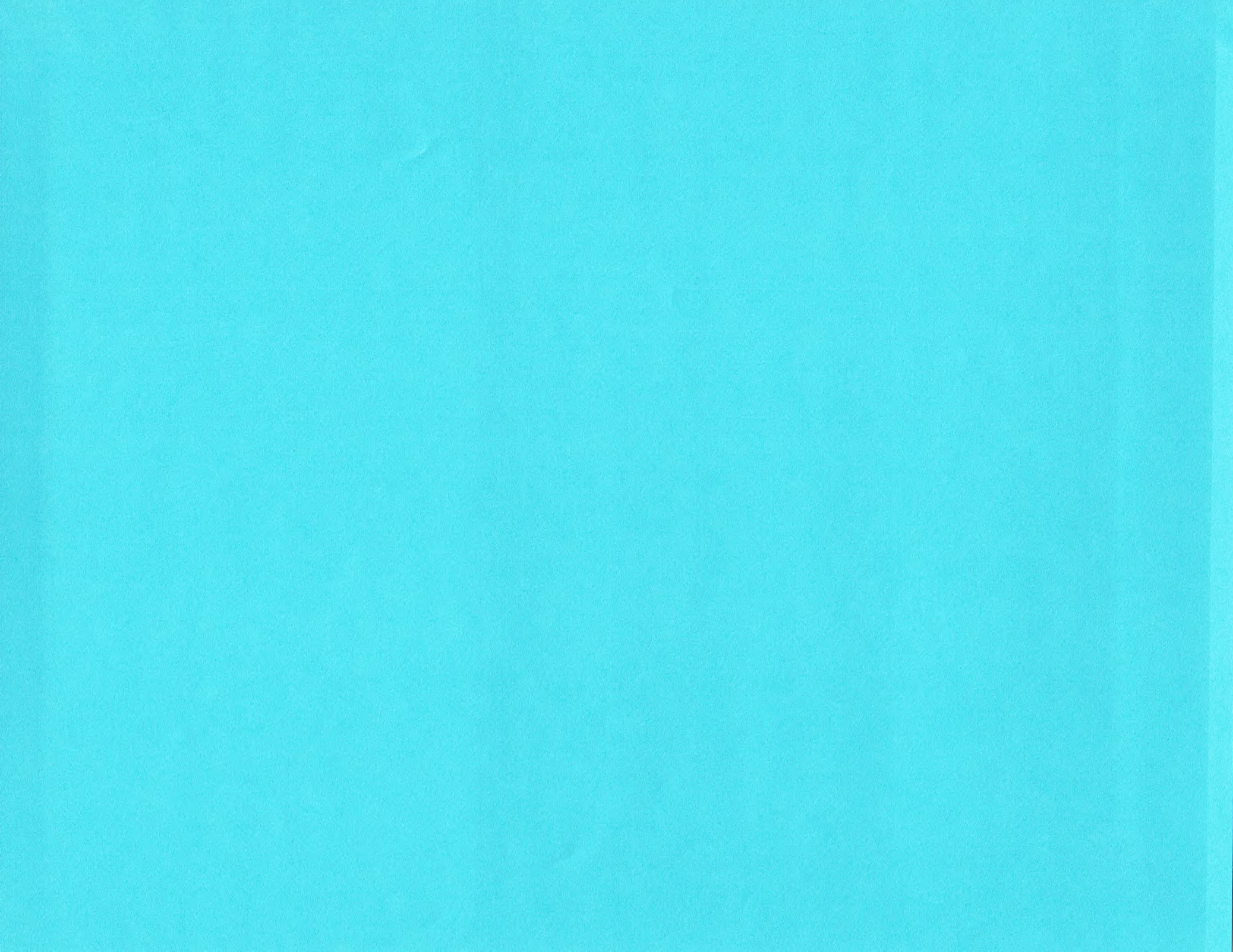
DEFENDANTS' REPLY IN SUPPORT  
OF SPECIAL MOTION TO STRIKE  
COMPLAINT; DECLARATION OF FORD  
GREENE; DECLARATION OF GERALD  
ARMSTRONG

Date: October 6, 1993  
Time: 8:30 a.m.  
Dept: 30

Discovery Cut Off: None  
Motion Cut Off: None  
Trial Date: None

COPY







**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 03/14/94

DEPT. 30

HONORABLE DAVID HOROWITZ

JUDGE

S. ROBLES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

C. AGUIRRE, CSL

Deputy Sheriff

B. CHARLINE HOWELL

Reporter

8:30 am

BC084642  
 CHURCH OF SCIENTOLOGY INT'L  
 VS  
 GERALD ARMSTRONG, ET AL  
  
 C/W BC 052395 (Stayed pending  
 Outcome of Appeal

Plaintiff ANDREW H. WILSON (x)  
 Counsel LAURIE BARTILSON (x)  
  
 Defendant PAUL MORANTZ (x)  
 Counsel

**NATURE OF PROCEEDINGS:**

MOTION OF PLAINTIFF CHURCH OF SCIENTOLOGY INTERNATIONAL FOR LEAVE TO AMEND THE FIRST AMENDED COMPLAINT;

MOTION OF THE ABOVE TO VACATE STAY OF TRIAL PROCEEDINGS;

Motion to vacate stay DENIED.

There is only one case currently pending, that is, BC052395. The same reasons for granting a stay in this matter on 3/23/93 continue to exist.

Motion for leave to amend complaint is unopposed. However, the motion and the amended complaint has been filed under case number BC084642. That is the wrong case number. The correct case number is BC052395.

Further, it is not necessary to litigate this matter further while the stay is in effect.

The motion for leave to file an amended complaint is GRANTED. The moving party is ordered to file a corrected amended complaint with the correct case number.

Notice is waived.

**RECEIVED**

MAR 16 1994

**HUB LAW OFFICES**

*cc Morantz*  
 3-28-94  
*fla*

MINUTES ENTERED 03/14/94 COUNTY CLERK
---



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4 Laurie J. Bartilson  
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(213) 953-3360

7 Attorneys for Plaintiff  
8 CHURCH OF SCIENTOLOGY INTERNATIONAL

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FEB 15 1994

HUB LAW OFFICES

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

12 CHURCH OF SCIENTOLOGY ) CASE NO. BC 084642  
INTERNATIONAL, a California not- )  
13 for-profit religious corporation, ) NOTICE OF MOTION AND MOTION  
14 ) TO VACATE STAY OF TRIAL  
Plaintiff, ) PROCEEDINGS; MEMORANDUM OF  
15 ) POINTS AND AUTHORITIES IN  
vs. ) SUPPORT THEREOF  
16 )  
17 ) DATE: March 14, 1994  
GERALD ARMSTRONG; THE GERALD ) TIME: 8:30 a.m.  
ARMSTRONG CORPORATION, a ) DEPT: 30  
18 California for-profit corporation;) DISCOVERY CUT-OFF: None  
DOES 1 through 25, inclusive, ) MOTION CUT-OFF: None  
19 ) TRIAL DATE: Vacated  
Defendants. )  
20 )

21  
22 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

23 PLEASE TAKE NOTICE that on March 14, 1994 at 8:30 a.m., or  
24 as soon thereafter as the matter may be heard in Department 30 of  
25 the Los Angeles Superior Court, located at 111 N. Hill Street,  
26 Los Angeles, California 90012, plaintiff CHURCH OF SCIENTOLOGY  
27 INTERNATIONAL ("CSI") will and hereby does move the Court to  
28 vacate its order of October 6, 1993, staying pre-trial



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Telephone: (310) 459-4745

6 Attorneys for Defendants  
7 GERALD ARMSTRONG and  
THE GERALD ARMSTRONG CORPORATION  
8

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
11

12 CHURCH OF SCIENTOLOGY )  
13 INTERNATIONAL, a California )  
not-for-profit religious )  
14 corporation; )  
15 Plaintiff, )  
16 vs. )  
17 GERALD ARMSTRONG; THE GERALD )  
ARMSTRONG CORPORATION, a )  
18 California corporation; DOES )  
1-25, inclusive; )  
19 Defendants. )  
20 )  
21 )

Case No. BC 052 395  
BC 084 642 1/  
[Consolidated]

DEFENDANTS' ARMSTRONG AND TGAC  
OPPOSITION TO SCIENTOLOGY'S  
MOTION TO VACATE STAY ORDER  
AND ARMSTRONG'S MOTION FOR  
MONETARY SANCTIONS; POINTS AND  
AUTHORITIES; DECLARATION OF  
FORD GREENE

Date: March 14, 1994  
Time: 8:30 a.m.  
Dept: 30

DISCOVERY CUT-OFF: None Set  
MOTION CUT-OFF: None Set  
TRIAL DATE: None Set

27 <sup>1</sup> As discussed in Footnote 2, infra., this case number no  
28 longer exists because on October 6, 1993 the Court consolidated  
this case with BC052395.



1 I. INTRODUCTION

2  
3 Scientology's motion to vacate the stay that this Court  
4 issued, sua sponte, <sup>2/</sup> should be rejected and sanctions should be  
5 ordered for bringing a frivolous motion. The reasons that it  
6 should be rejected are as follows:

7 1. Armstrong's defense to the case is the same as his  
8 defense to the motion for preliminary injunction; that is, the  
9 contract Scientology seeks to enforce is illegal and  
10 unenforceable. It is this issue which is squarely in front of the  
11 Court of Appeal and it is upon this express basis that the Court  
12 stayed this case on March 23, 1993. <sup>3/</sup> Therefore, Scientology's

13  
14 <sup>2</sup> Scientology misrepresents that state of the record with  
15 respect to the issuance of the stay herein. On July 8, 1993, it  
16 filed its complaint herein. On August 6, 1993 it filed its notice  
17 of related case. On August 27, 1993 Department One issued its  
18 order finding the instant case to be related to BC 052 395, which  
19 it designated as the lead case. (Despite the Court's Order  
20 Scientology never gave notice of this to Armstrong.) On September  
21 14, 1993 Armstrong filed his special motion to strike pursuant to  
22 C.C.P. § 425.16 which was set for hearing on October 6, 1993. On  
23 October 6, 1993, the Court, sua sponte, ordered that "[t]he  
24 instant action is ordered consolidated into BC052395, Church of  
25 Scientology VS. Armstrong, Gerald which is pending in this court.  
26 [¶] The action, including the Motion to Strike, is stayed pending  
27 ruling from the Court of Appeals."

28 Thus, Scientology's statement that "Armstrong successfully  
persuaded this Court to stay" the second case (Motion at 9:1-5) is  
inaccurate factually as well as technically. Since the cases have  
been consolidated, there are not two cases. Indeed, the instant  
motion should not have even been filed under the old case number  
which, by virtue of the Court's sua sponte October 6th  
consolidation order has been subsumed into BC052395.

<sup>3</sup> In his March 23, 1993 Minute Order granting Armstrong's  
motion for a stay, Judge Horowitz found that the "legality and  
validity of the Agreement" is the "central issue" in the instant  
litigation, holding as follows:

"D, Mot for stay of proceedings GRANTED. The action is stayed  
under CCP 916. Counsel are ordered to report any decision by the  
(continued...)"



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7 Attorneys for Plaintiff  
8 CHURCH OF SCIENTOLOGY INTERNATIONAL

RECEIVED

MAR 14 1994

HUB LAW OFFICES

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

11  
12 CHURCH OF SCIENTOLOGY\_\_\_\_\_) CASE NO. BC 084642  
INTERNATIONAL, a California not- )  
13 for-profit religious corporation, ) PLAINTIFF'S REPLY IN  
) SUPPORT OF MOTION TO VACATE  
14 ) STAY OF TRIAL PROCEEDINGS  
Plaintiff, )  
15 )  
vs. )  
16 ) DATE: March 14, 1994  
) TIME: 8:30 a.m.  
17 GERALD ARMSTRONG; THE GERALD ) DEPT: 30  
ARMSTRONG CORPORATION, a )  
18 California for-profit corporation;) DISCOVERY CUT-OFF: None  
DOES 1 through 25, inclusive, ) MOTION CUT-OFF: None  
19 ) TRIAL DATE: Vacated  
Defendants. )  
20 )

21 I. INTRODUCTION

22 The motion filed by plaintiff Church of Scientology  
23 International ("the Church") to vacate the stay of these  
24 proceedings demonstrates for the Court, in telling detail, the  
25 changes in circumstances which make that action proper and  
26 necessary. Armstrong's response, a non-sequitur diatribe of  
27 dislike aimed at his former religion, is more remarkable for what  
28 it does not say than for what it does say. For example:











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10 Hollywood, CA 90028  
11 (213) 463-4395

12 Attorneys for Plaintiff and  
13 Cross-Defendant CHURCH OF SCIENTOLOGY  
14 INTERNATIONAL

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF MARIN

17 CHURCH OF SCIENTOLOGY )  
18 INTERNATIONAL, a California not- ) MARIN CASE NO. 157 680  
19 for-profit religious corporation; ) LOS ANGELES CASE NO.  
20 ) BC 052395

21 Plaintiff, )

22 vs. )

23 [CONSOLIDATED]

24 STIPULATION

25 GERALD ARMSTRONG; THE GERALD )  
26 ARMSTRONG CORPORATION, a )  
27 California corporation; Does 1 - )  
28 25 INCLUSIVE )

29 Defendants. )

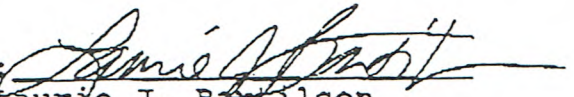
30 AND RELATED CROSS-COMPLAINT )  
31

32 It is stipulated by and between plaintiff Church of  
33 Scientology International and defendants Gerald Armstrong and the  
34 Gerald Armstrong Corporation, by and through their respective  
35 attorneys of record, that plaintiff's attorneys, Bowles & Moxon,  
36 shall send a paralegal to the Marin Superior Court clerk's office  
37 to assist the clerk in placing in order the file in Case Number  
38 BC 052 395, recently transferred from Los Angeles to Marin, and



1 prepare the file for use by the Court. It is further stipulated  
2 that once the Bowles and Moxon paralegal has completed the task  
3 of placing the file in order, plaintiff's counsel, Laurie  
4 Bartilson, will notify defendants' counsel, Ford Greene, and a  
5 designee from Mr. Greene's office will promptly review the file.  
6 Mr. Greene will notify Ms. Bartilson as soon as this review is  
7 complete. The parties further agree to work together to resolve  
8 any differences that may arise so that the file may be readily  
9 usable by the Court.

10  
11 Dated: October 21, 1994

By:   
Laurie J. Bartilson

Attorneys for Plaintiff  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL

12  
13  
14  
15  
16 Dated: October 21, 1994

By:   
Ford Greene

Attorney for Defendants GERALD  
ARMSTRONG and GERALD ARMSTRONG  
CORPORATION







## SUPERIOR COURT OF CALIFORNIA , COUNTY OF LOS ANGELES

Date: July 29, 1994

Honorable	DIANE WAYNE	, Judge	I.R. MATTHEWS-DOTY	, Deputy Clerk
#2	NONE	, Deputy Sheriff	NONE	, E.R.M.

BC052395

(Parties and Counsel checked if present)

CHURCH OF SCIENTOLOGY INTERNATIONAL,  
ETC., ET AL

Counsel For  
Plaintiff

VS

**no appearances**

GERALD ARMSTRONG, ET AL

Counsel For  
Defendant

## NATURE OF PROCEEDINGS:

**RECEIVED**

RULING ON MATTER TAKEN UNDER SUBMISSION JULY 28, 1994

**AUG 03 1994****HUB LAW OFFICES**

The Court, on 7-28-94, having taken plaintiff's OSC re contempt under submission now rules as follows on the matter submitted:

**OSC for Contempt: Deny**

This court finds that there was a valid order issued on May 28, 1992 (hereinafter referred to as the "Order") pursuant to the opinion of the Court of Appeals, Second Appellate District, May 16, 1994. Pursuant to stipulation the defendant was properly served with the order and had the ability to comply with the order.

The request for contempt concerns three areas of activity alleged to have been engaged in by the Respondent; (1) the Aznaran, litigation, (2) the Wollersheim litigation; and (3) the Roberts litigation. This court finds that Moving Party had not demonstrated beyond a reasonable doubt that the Responding Party has violated the Order.

**1. The Aznaran Litigation**

Moving party argues that based on deposition testimony of Respondent (Ex. 14), he has violated the Order by assisting in a lawsuit against the Church of Scientology prosecuted by the Aznarans. In that testimony taken on October 8, 1992 Respondent indicates that he had conversations with the Aznarans regarding their case after the date of the Order.

However, no where is it suggested that any of those conversations were for the purposes of "assisting" in their claims. And, it appears that any such conversation could have been associated with his ministerial duties as a paralegal in the office of his employer. It should be noted that the Order specifically permits Respondent to engage in such employment and does not "wall" him off from all such litigation.

PAGE 1 OF 3



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: July 29, 1994

Honorable	DIANE WAYNE	, Judge	I.R. MATTHEWS-DOTY	, Deputy Clerk
#2b	NONE	, Deputy Sheriff	NONE	, E.R.M.

BC052395

(Parties and Counsel checked if present)

CHURCH OF SCIENTOLOGY INTERNATIONAL,  
ETC., ET AL

Counsel For  
Plaintiff

vs

**no appearances**

GERALD ARMSTRONG, ET AL

Counsel For  
Defendant

**NATURE OF PROCEEDINGS:**

Laurie Bartilson, an attorney for Moving Party, also testified that in July 1992 she received a telephone call from Respondent in relation to a Change of Venue order in the Aznaran litigation. She testified that during that conversation Respondent indicated that he was assisting the Aznarans in the litigation. However, court documents conclusively demonstrate that the venue order was not granted until August 28, 1992 suggesting that her recollection of the conversation was flawed.

**2. The Wollersheim Litigation**

Moving party argues that the affidavit submitted in the Wollersheim litigation violated the Order. Ex. 19. Clearly it would be impermissible for Respondent to have participated in that litigation if Wollersheim had been the prosecuting party. However, in the litigation in which the affidavit was used, the Church of Scientology was the plaintiff and Wollersheim was the defendant. This did not violated the prohibition of assisting in a claim "against" the church.

**3. The Roberts Litigation**

As demonstrated by Ex. 11 and 12 Respondent participated in the Roberts litigation to the extent that he executed two proofs of service in that matter. Such conduct was ministerial in nature and does not violate the prohibition against assisting in litigation.

Moving party also suggests that the Order was violated by conversations Respondent had with Roberts regarding his case. Ex. 8 and the deposition of October 8, 1992. However, it appears that those conversations took place prior to the Order.

And finally, when read in its totality, the letter of December 22, 1992 (Ex.9) does not amount to activity which "assists" in litigation on behalf of Roberts.



SUPERIOR COURT OF CALIFORNIA , COUNTY OF LOS ANGELES

Date: July 29, 1994

Honorable DIANE WAYNE , Judge  
#2c NONE , Deputy Sheriff

I.R. MATTHEWS-DOTY , Deputy Clerk  
NONE , E.R.M.

BC052395

(Parties and Counsel checked if present)

CHURCH OF SCIENTOLOGY INTERNATIONAL,  
ETC., ET AL

Counsel For  
Plaintiff

vs

no appearances

GERALD ARMSTRONG, ET AL

Counsel For  
Defendant

NATURE OF PROCEEDINGS:

The OSC and the Citee, Gerald Armstrong, are discharged.

A copy of this minute order is sent to counsel appearing 7-28-94 via U.S. Mail addressed as follows:

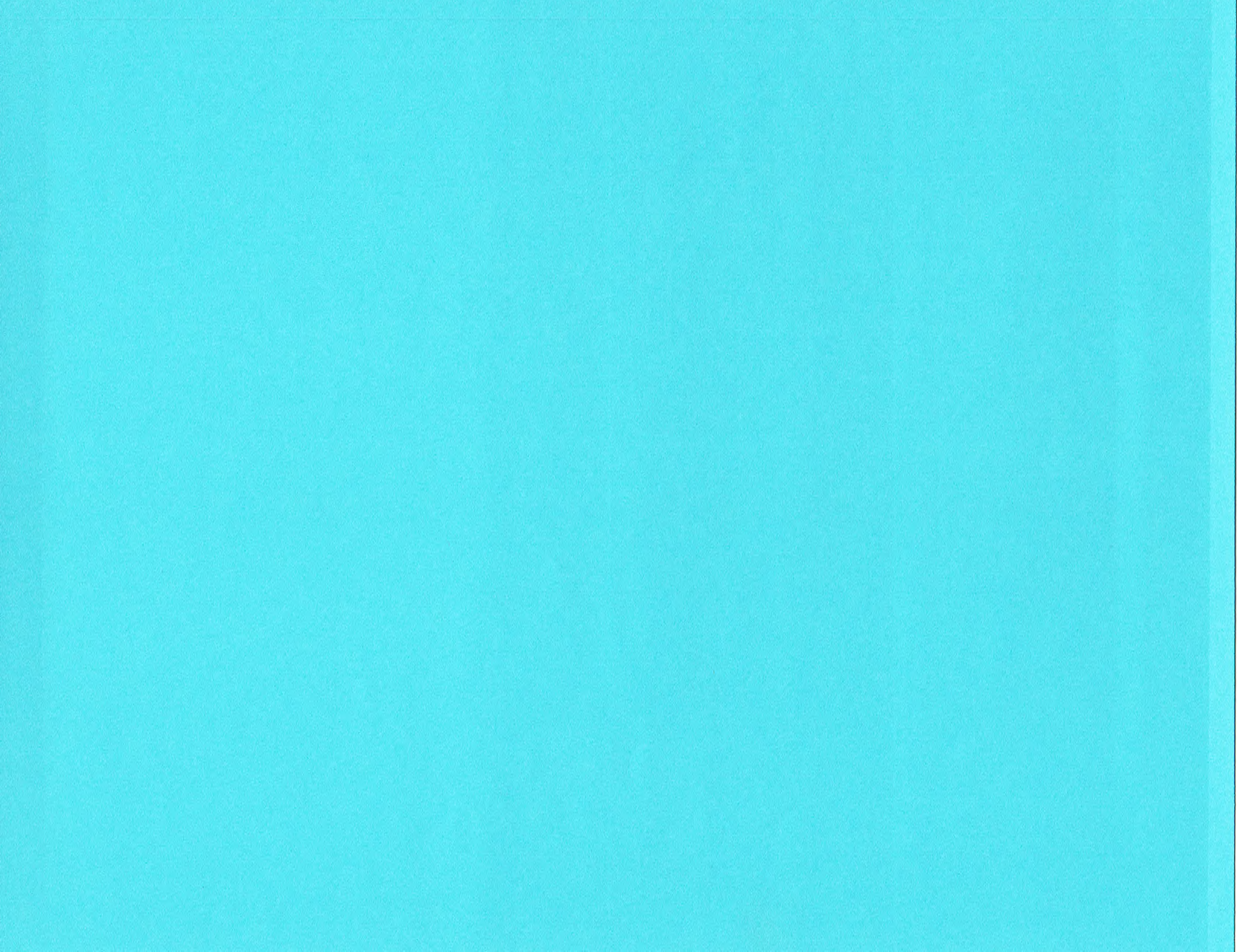
MICHAEL L. HERTZBERG, ESQ.  
740 BROADWAY  
5TH FLOOR  
NEW YORK CITY, N.Y.  
10003

ANDREW H. WILSON, ESQ.  
235 MONTGOMERY STREET  
STE. 450  
SAN FRANCISCO, CALIF.  
94104

LAURIE J. BARTILSON, ESQ.  
6255 SUNSET BLVD.  
STE. 2000  
HOLLYWOOD, CALIF.  
90028

FORD GREENE, ESQ.  
711 SIR FRANCIS DRAKE BLVD.  
SAN ANSELMO, CALIF.  
94960







FORD GREENE  
LAWYER

HUB LAW OFFICES  
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SAN ANSELMO, CALIFORNIA 94960-1949  
(415) 258-0360

LICENSE NO. 107601  
FACSIMILE (415) 456-5318

November 7, 1994

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telecopier  
213.953.3351

RE: *Church of Scientology International v. Armstrong*  
Los Angeles Superior Court  
Case No. BC 052 395

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Dear Laurie:

Our review of the file shows that the following documents in the above referenced case have not been transferred from Los Angeles to the County of Marin:

1. All of Armstrong III;
2. All videotapes and books lodged by Scientology with clerk in LA;
3. All exhibits from 7/28/94 Judge Wayne hearing on OSC re contempt;
4. Reporter's Transcripts of Proceedings (all hearings except 3/3/92 Judge Dufficy hearing re TRO);
5. Opposition of Amicus Curiae and Proposed Intervenor Joseph A. Yanny to Plaintiff's Ex Parte Application to Extend T.R.O. Against Gerald Armstrong filed ±5/4/92;
6. (Plaintiff's) Status Conference Questionnaire (Status Conference 11/9/92), filed ± 11/2/92;
7. Plaintiff's Exhibits 1-10 for Hearing on Order to Show Cause Why Gerald Armstrong Should Not Be Held in Contempt, filed ± 3/2/93;
8. (Plaintiff's) Request for Judicial Notice of Documents Previously Filed in Church of Scientology International vs. Armstrong; and Declaration of Laurie J. Bartilson, filed ± 3/2/93;



Laurie J. Bartilson  
November 7, 1994  
Page 2.

By Telecopier

9. (Plaintiff's) Request for Judicial Notice of Documents; Declaration of Laurie J. Bartilson, filed ± 3/2/93;
10. Defendant Armstrong's Memorandum in Sur-Reply on Order to Show Cause Re Contempt, filed 3/3/94
11. (Plaintiff's) Notice of Related Case (BC 084642 and BC 052395), filed ± 8/6/93
12. Bartilson Letter to Judge Diane Wayne re OSC re Contempt dated 7/19/94;
13. The documents already noted as missing by Matt Ward.

Finally there remains the matter of the transfer of the \$70,000 bond which the LA clerk is supposed to send to the Marin clerk.

Until these matters are included in the file, we will not deem that the file is complete. Please advise me how you want to approach making the file complete.

Sincerely,

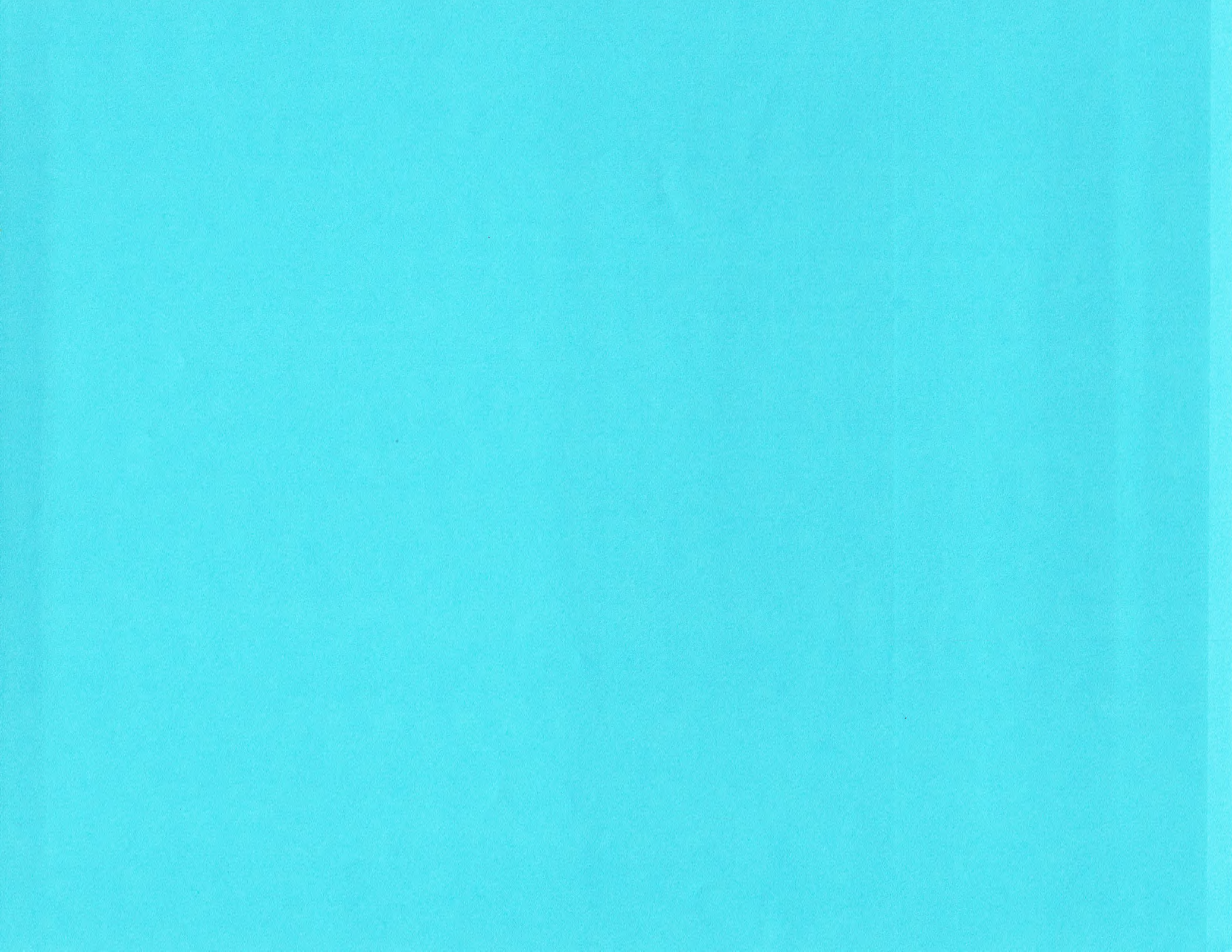


FORD GREENE

:acg

cc: Betty Posey, Deputy Clerk MCSC







**BOWLES & MOXON**  
ATTORNEYS AT LAW  
6255 SUNSET BOULEVARD  
SUITE 2000  
HOLLYWOOD, CALIFORNIA 90028

TIMOTHY BOWLES \*  
KENDRICK L. MOXON #  
LAURIE J. BARTILSON †  
HELENA K. KOBRIN ‡

(213) 463-4395  
TELECOPIER (213) 953-3351

AVA MARIE SANDLIN

\* ALSO ADMITTED IN OREGON  
# ALSO ADMITTED IN THE DISTRICT OF COLUMBIA  
† ALSO ADMITTED IN MASSACHUSETTS  
‡ ALSO ADMITTED IN FLORIDA

OF COUNSEL  
JEANNE M. GAVIGAN  
MARCELLO M. DI MAURO  
LESLIE T.W. SOASH

November 8, 1994

BY TELEFAX AND U.S. MAIL

**RECEIVED**

**NOV 12 1994**

**HUB LAW OFFICES**

Ford Greene, Esq.  
Hub Law Offices  
711 Sir Francis Drake Blvd.  
San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong

Dear Ford:

Thank you for your letter of November 7 concerning the Marin files. I think that we should be able to cooperatively resolve each of the issues that you raise. Here are my suggestions:

1. If what you refer to as "Armstrong III" is Los Angeles Case Number BC 084642, I have been informed by the clerk that this case is being transferred separately, and will be given a separate case number when it arrives in Marin County. I will undertake to make certain that the Los Angeles clerk sends the file, and will post the requisite fees.

2. Videotapes and books: those items lodged with the court were lodged at the court's request, and returned to me after each hearing. It is not the policy in Los Angeles Superior Court to file these oversized particles, but to lodge and return them. I would be happy to re-lodge them in Marin, but I am certain that the clerk there would prefer that I do so only in the event that such a document is referenced in a matter that is actually before the court. If you would like me to lodge any particular videotape or book, please let me know.



Ford Greene, Esq.  
November 8, 1994  
Page 2

?  
3. OSC exhibits: None of these appear on the Los Angeles Court docket, and none appear to have been retained by that court. If they are not a part of the Los Angeles court files, they cannot be transferred to Marin.

4. Reporter's Transcripts: These are not routinely part of the court's file, but must be privately ordered from the court reporter. They were not part of the Los Angeles file.  
Nearby specify

5. - Yanny Opposition: This was the only document which Matt noted as missing from the file. I am willing to waive its appearance in the file; I suggest that if you feel differently, you provide a copy to the clerk, since it is a document filed on your client's behalf.  
OK

6. Plaintiff's Status Conference Questionnaire: This did not appear on the Los Angeles docket. I will provide a copy to the Marin County clerk.

7. - 9. Plaintiff's Exhibits 1-10 for Hearing on OSC, and Requests for Judicial Notice: These documents were served on you prior to the hearing that was scheduled before Judge Wayne in March of 1993. The hearing did not take place, and the documents were never filed. They are not a part of the court file in Los Angeles, and should not be part of the court file in Marin.  
OK

?  
10. Armstrong's Sur-Reply: Matt says that this document is in the Marin file. You have it listed by the wrong date. If you wish to file another copy of it, we have no objection.

11. Plaintiff's Notice of Related Case: This would be part of the file of the later-filed case, Number BC 084642, which is not yet transferred.

12. Letter to Judge Wayne: The judges of the Los Angeles Superior Court normally do not docket correspondence. It is not in the Los Angeles file, and need not appear in the Marin file.  
see before  
Did we use  
for notice?

13. Documents noted missing by Matt: Matt noticed only 1 and 5, above, other than orders continuing the hearing on the Order to Show Cause, which I will supply to the court.

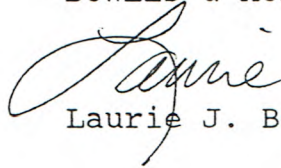


Ford Greene, Esq.  
November 8, 1994  
Page 3

Wong  
I propose that we provide the clerk with copies of the documents noted above as necessary immediately, and stipulate that the file for this case is thereafter complete. The file of Case Number BC 084642 will have to be handled as a separate case file. It should be much simpler for all concerned, since it is a small case file. If you agree, please sign below and return your signature to me by fax.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

SO STIPULATED:

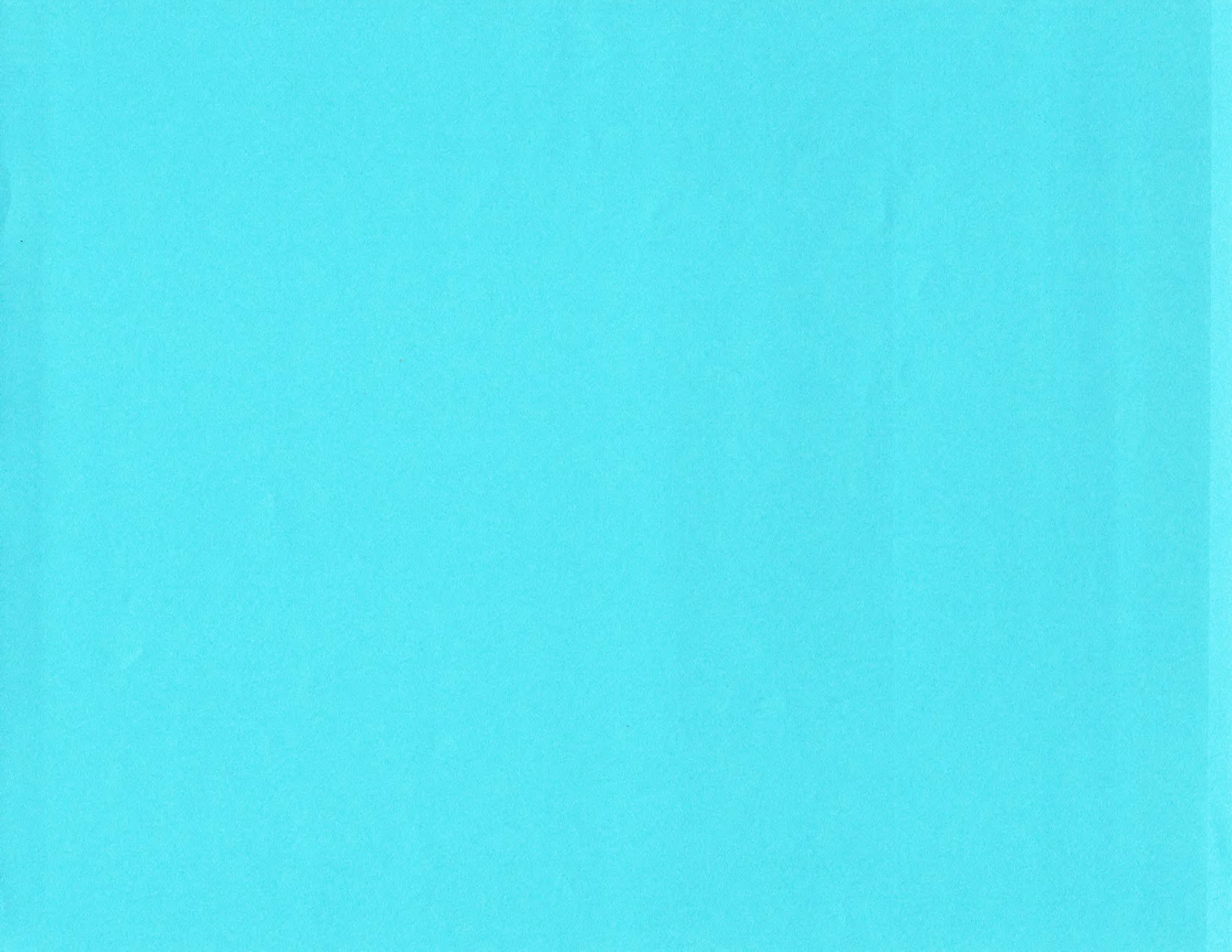
---

Ford Greene, Esq.  
Attorney for Defendants  
GERALD ARMSTRONG and  
GERALD ARMSTRONG CORPORATION

LJB:aeu

cc: Andrew H. Wilson, Esq.  
Michael Lee Hertzberg, Esq.  
Paul Morantz, Esq.







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November 14, 1994

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telecopier  
213.953.3351

RE: *Church of Scientology International v. Armstrong*  
Los Angeles Superior Court  
Case No. BC 052 395

---

Dear Laurie:

I will not stipulate to making an order making into two separate cases what is a single case, particularly when, as you know, Judge Horowitz ordered the two cases consolidated, sua sponte.

Thus, my response to your 13 points in your November 8th letter is as follows:

1. This is unacceptable. Judge Horowitz ordered these two cases consolidated on October 6, 1993.
2. This is fine. There is no need for re-lodging.
3. This material is a serious part of the record and must be found. I will stipulate to nothing unless the exhibits that you employed in an effort to have my client jailed for contempt are found, or, in the alternative, you stipulate that said exhibits are replaced.
4. The transcript of oral argument before Judge Sohigian on May 26, 1992 was part of the record below. I will stipulate to nothing unless this is made part of the record, as it was.
5. You must expressly stipulate to the inclusion of this in the file and provide it to the court because you stipulated that you would pay all costs of the transfer.
6. Agreed.
7. Agreed.



Laurie J. Bartilson  
November 14, 1994  
Page 2.

By Telecopier

8. Agreed.
9. Agreed.
10. You must expressly stipulate to the inclusion of this in the file.
11. This is part of the consolidated file and must be included.
12. Agreed.
13. Agreed.

You fail to address the matter of the bond.

I called you at Mr. Wilson's request to sort these things out, however, you were not available. Please be advised that I will seek sanctions for your forcing me to make an unnecessary appearance tomorrow and also because your notice was not timely served.

Sincerely,



FORD GREENE

:acg

cc: Andrew H. Wilson (by fax)  
Michael L. Hertzberg  
Michael Walton